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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000340

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DEPARTMENT PASS USTR FOR AGAMA

E.O. 12958: DECL: 02/20/2018
TAGS: [ETRD](#) [EINV](#) [PGOV](#) [ECON](#) [PREL](#) [BEXP](#) [NI](#)
SUBJECT: PFIZER CASE: FEDERAL AG, KANO OFFICIALS AGREE
PARTIES SHOULD MEET TO SEEK A SETTLEMENT

REF: A. ABUJA 202
[B](#). ABUJA 152
[C](#). ABUJA 142

Classified By: Ambassador Robin R. Sanders for reasons 1.4 (b&d).

[1](#)1. (C) Summary: Following up on previous conversations with President Yar'Adua (Refs), Ambassador met separately with Federal Attorney General (AG) and Kano State Governor and Kano AG February 7 and February 12 respectively, to urge that the parties meet to seek an amicable settlement so that the company, the two levels of government and the families involved in the case can put this long-running and emotional case behind them and move forward. All three officials agreed to the idea of a meeting of the parties involved in the case with the goal of resolving the entire issue amicably and out of court if possible. Meanwhile, however, on February 21, the local press reported the Victim's Committee has requested its lawyer to refile to be named as a plaintiff in the case. End summary.

[1](#)2. (C) Ambassador, accompanied by Econcouns, called on Attorney General Michael Aondoakaa February 7 to discuss the long-pending Pfizer case, following up on earlier discussions with President Yar'Adua. Solicitor General Prof. I.A. Ayua accompanied the AG in the meeting. Septel reports on Ambassador's and AG's discussion of pending counterterrorism legislation.

[1](#)3. (C) The AG reported that the President had briefed him on the Ambassador's proposal that the parties involved in the case (which is being litigated at federal level and in Kano State) meet to discuss the possibility of a mutually agreeable out of court resolution. The AG said he recognized the merits of such discussion among the parties and would be discussing the proposal with the Kano AG. The Ambassador, noting that the legal issues were for the lawyers to sort out, said her objective was to open up a channel of communication so progress could be made. The AG said the Federal Government had engaged a Houston-based consultant, Dr. Orhii (SIC), and he would ask Orhii to come to Abuja to participate in the meeting once one could be scheduled.

[1](#)4. (C) The AG added that he "would keep an open mind" and "hear what Pfizer had to say." He would encourage the Kano AG to do so as well. He had slowed down a judicial cooperation request for the U.S. to extradite Pfizer officials to Nigeria in anticipation of the meeting with the Ambassador. President Yar'Adua had expressed his interest in an amicable resolution of the case, but stressed that it was not his intent to interfere in legal proceedings. The Ambassador reiterated that it was not her

role either to get involved in the legal issues, but rather simply to urge a dialogue based on mutual respect.

15. (C) Ambassador then called on Kano State Governor Ibrahim Shekaru and State AG Barrister Aliyu Umer at their respective offices on February 13. The Governor commented that he was honored that the Ambassador would call on him so early in her tenure. Dialogue centered on the Governor's vision for Kano State and moved on to a discussion of the Pfizer case. The Governor agreed that there should be a harmonious solution, with a goal of an out of court settlement that would include a range of things important to the people of Kano and the families of the plaintiffs.

16. (C) In response to the Ambassador's question about local political sensitivities surrounding the case, the Governor said that the bottom line is that "the victims' wrongs must be addressed and the process must be transparent." Pfizer must be forthcoming to reach a resolution, he said. The Governor continued by saying that the case is very sensitive among the local population and is being watched closely as to how it is handled by the state as well as the outcome. He said that he welcomed the Ambassador's recent interventions with President Yar'Adua on the subject of Pfizer. Her actions allowed the Governor and State AG some latitude to work towards a solution.

17. (C) In their separate meeting, State AG Umer told the Ambassador that he shared the Governor's concerns. He also noted that it was the first time in memory that a U.S. Ambassador had called on his office. Asked his thoughts on possibility of a near-term resolution, the State AG said he was concerned that Pfizer "was not working amicably" over

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the past several years to solve the issue. He and the Governor had met to discuss the case after hearing of the Ambassador's interventions with President Yar'Adua. They felt that Pfizer's "blatant disregard" of a court order was "an insult" and the resulting arrest order was simply following the rule of law and put Pfizer on notice that they could not simply disregard a Nigerian judge. Umer admitted the arrest order was intended as a shot across the bow, a message to Pfizer not to ignore court appearances in the future.

18. (C) Umer continued that the State and victims were very insulted over the insistence of Pfizer on signed paperwork in the class action case to prove that they had been part of the original test group. The Ambassador explained that Pfizer as a public company owes such full disclosure to its shareholders regarding the Kano case. Under U.S. law, Pfizer must abide by such requirements. She highlighted the Enron and WorldCom examples. The State AG said he was surprised by that explanation, as he and others in Kano had felt the Pfizer requests for documentation were simply a way to stall the court process and further insult their integrity. He thanked the Ambassador for this insight and added that all parties would be relieved to hear that the documentation requests represented a routine legal requirement, which would greatly help the general tone of discussions with the families involved.

19. (C) Ambassador asked Umer for a commitment based on their conversation. In response, the State AG promised to be positive and to work out a reasonable settlement in terms of: 1. the amount of compensation; 2. other in-kind contributions by Pfizer; and 3. providing documentation from the families to facilitate the process. He said the next step would be for him and the Governor to meet with the Federal AG. In addition to the State and Federal attorneys involved, it would be necessary ("a requirement") to have a legal representative of the families at the AG's meeting for them to feel and believe that the process was transparent and to ensure public acceptance of any

settlement.

¶10. (C) The Kano AG then said quietly to the Ambassador that he had explained to his Governor that he was very uncomfortable not having as many others in the room as possible with the Federal AG as he believed that the AG had "personal enrichment" ideas that were at play in the case. He added that he noted to Governor Shekaru that he would not attend a meeting on the Pfizer subject without another Kano legal advisor and the Victim's Committee lawyer. He saw this as the best way to ensure the transparency of the case. Ambassador said she would at least pass back to Pfizer for its consideration the need to have the Victim's Committee lawyer and the Kano AG's assistant legal counsel at the discussions.

SANDERS